

ORDINANCE NO. 5718

**JUN 13 2018**

AN ORDINANCE OF THE CITY OF ALTOONA AMENDING THE CODE OF THE CITY OF ALTOONA BY ADDING A NEW CHAPTER 22, TO BE ENTITLED "ELECTRICAL AND ENGINEERING CIVIL SERVICE" TO: COMPLY WITH APPLICABLE LAW BY ABOLISHING THE CITY OF ALTOONA ELECTRICAL AND ENGINEERING CIVIL SERVICE BOARDS; PRESERVE CIVIL SERVICE RIGHTS FOR ELECTRICAL AND ENGINEERING EMPLOYEES EMPLOYED PRIOR TO MAY 19,2014; AMEND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH; PROVIDE AN OBJECTIVE, SEVERABILITY AND REPEAL OF PROVISIONS; AND ESTABLISH AN EFFECTIVE DATE.

Be it ordained by the Council of the City of Altoona as follows:

SECTION I. The Code of the City of Altoona is hereby amended by adding thereto a new Chapter, 22 to be entitled, "Electrical and Engineering Civil Service" to read as follows:

ELECTRICAL AND ENGINEERING CIVIL SERVICE

§ 22-1. Abolishment of Electrical and Engineering Civil Service Boards

§ 22-2. Preservation of Employee Rights

§ 22-3.

Objective/Amendment/Severability

§22-1. ABOLISHMENT OF ELECTRICAL AND ENGINEERING CIVIL SERVICE BOARDS.

Any electrical and/or engineering civil service board heretofore created and/or empanelled is hereby abolished.

§22-2. PRESERVATION OF RIGHTS OF CERTAIN EMPLOYEES.

Those persons employed in the Electrical and/or Engineering Departments of the City of Altoona prior to May 19, 2014, shall continue to have all civil service rights afforded to them as set forth in the Third Class City Code as amended by Act 22 of 2014. Such rights include the right to a hearing in the event that such an employee so subject is aggrieved by the suspension, discharge or discipline imposed by a department director more serious than a suspension of three days without pay with any such hearing to be held before the City of Altoona Civil

Service Board empanelled for both the City of Altoona Police and Fire Departments. Such employee may be represented by counsel.

**§22-3. OBJECTIVE/AMENDMENT/SEVERABILITY AND  
RESTATEMENT/REPEAL.**

The primary objective of this Ordinance is to comply with applicable law including Act 22 of 2014 which amended the Third Class City Code to require a single civil service board and preserve rights of non-uniformed employees employed prior to May 19, 2014 who were subject to civil service rules to a hearing before the City of Altoona Civil Service Board for fire and/or police. Although the City of Altoona's Home Rule Charter shall be in effect for all electrical and/or engineering employees hired after May 19, 2014, the City of Altoona recognizes the rights of such employees hired prior to that date under civil service rules. Any prior enactment which includes any provision similar in nature to this enactment is hereby amended and restated in its entirety to read as stated in this Ordinance. Any other prior enactment or part of any prior enactment conflicting with the provisions of this Ordinance is rescinded insofar as the conflict exists. To the extent that any similar enactment is in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior enactment and not as a new enactment. If this Ordinance is declared invalid, any prior enactment for electrical and/or engineering civil service shall remain in full force and effect and shall not be affected by adoption of this Ordinance, and/or this Ordinance shall be considered to have been enacted under authority of any other law permitting this Ordinance to be valid. If any part of this Ordinance is declared invalid, the similar part of any prior enactment providing for similar provisions shall remain in effect and shall not be affected by adoption of this Ordinance, and/or such part or parts of this Ordinance shall be considered to have been enacted under authority of any other law permitting any such part of this Ordinance to be valid. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish offense under the authority of any enactment in force prior to adoption of this Ordinance. Subject to the foregoing provisions of this Section, this Ordinance shall amend and restate on the effective date any enactment for electrical and/or engineering civil service in force immediately prior to the effective date herein.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall become effective at the earliest possible date provided by law.

**ORDAINED AND ENACTED** by the Council of the City of Altoona this

13<sup>th</sup> day of June, 2018.

ATTEST:

**CITY OF ALTOONA**



Linda Rickens Schellhammer, City Clerk

By:



Matthew Pacifico, Mayor